

Message Text

CONFIDENTIAL

PAGE 01 STATE 175888

21

ORIGIN L-03

INFO OCT-01 EA-06 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01

AID-05 IO-10 /068 R

DRAFTED BY L/EA:EVERVILLE:DTM

APPROVED BY EA:PCHABIB

L:GHALDRICH (DRAFT)

EA/LC:JDROSENTHAL

EA:RHILLER

----- 083555

R 251730Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY VIENTIANE

C O N F I D E N T I A L STATE 175888

E.O. 11652: GDS

TAGS: PFOR, EAID, LA, US

SUBJECT: ARTICLE 21 OF PARIS AGREEMENT ON VIETNAM

REF: VIENTIANE 4898

1. PER YOUR REQUEST PARA 10 REFTEL, DEPARTMENT'S POSITION CONCERNING ARTICLE 21 OF PARIS AGREEMENT IS AS FOLLOWS.

2. THIS ARTICLE CONTAINS A STATEMENT OF THE INTENTION OF THE UNITED STATES AT THE TIME THE AGREEMENT WAS SIGNED TO CONTRIBUTE TO HEALING THE WOUNDS OF WAR IN VIETNAM AND "THROUGHOUT INDOCHINA." THIS ARTICLE WAS NOT, HOWEVER, A COMMITMENT TO PROVIDE AID AND, AS A STATEMENT OF POLICY, WAS PREDICATED ON THE ASSUMPTION OF GOOD FAITH IMPLEMENTATION OF AND COMPLIANCE WITH THE AGREEMENT BY NORTH VIETNAM. AS SECRETARY KISSINGER MADE CLEAR IN HIS PRESS CONFERENCE OF JANUARY 24, 1973, WE WOULD DISCUSS THE ISSUE

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 175888

OF ECONOMIC RECONSTRUCTION OF INDOCHINA "ONLY AFTER. . .

THE IMPLEMENTATION (OF THE AGREEMENT) IS WELL ADVANCED."

3. UNFORTUNATELY, NORTH VIETNAM DID NOT PROCEED TO IMPLEMENT AND COMPLY WITH THE AGREEMENT IN GOOD FAITH. IT PROCEEDED TO VIOLATE THE AGREEMENT'S MOST FUNDAMENTAL PROVISIONS BY INFILTRATING TROOPS AND MILITARY EQUIPMENT INTO

SOUTH VIETNAM AND EVENTUALLY TAKING OVER THE TERRITORY AND PEOPLE OF SOUTH VIETNAM BY MILITARY FORCE. NORTH VIETNAM'S MILITARY ACTIVITIES CONTINUED ALSO IN CAMBODIA IN VIOLATION OF ARTICLE 20 OF THE AGREEMENT, UNDER WHICH NORTH VIETNAM WAS OBLIGATED TO CEASE ITS MILITARY ACTIVITIES THERE AND SEEK TO BRING ABOUT A CEASEFIRE BETWEEN THE CAMBODIAN PARTIES. IN LAOS, WHERE THE LAO PARTIES DID ACHIEVE A CEASEFIRE, NORTH VIETNAMESE TROOPS REMAINED IN THE COUNTRY AND CONTINUED TO USE LAO TERRITORY IN VIOLATION OF THEIR OBLIGATION UNDER ARTICLE 20 OF THE PARIS AGREEMENT TO WITHDRAW IN ACCORDANCE WITH THE LAOS CEASEFIRE ACT OF FEBRUARY 12, 1973. THUS THE CONDITIONS UPON WHICH THE USG STATEMENT OF INTENTION IN ARTICLE 21 WAS PREDICATED NEVER CAME INTO EFFECT.

4. OF LESS IMPORTANCE, BUT ALSO RELEVANT TO ANY LAO EFFORT TO USE ARTICLE 21, IS OBVIOUS FACT THAT LAOS WAS NOT A PARTY TO THE PARIS AGREEMENT AND THEREFORE COULD NOT, IN ANY EVENT, CLAIM ANY RIGHTS UNDER IT.

5. FYI: DEPT LEGAL ADVISER'S OFFICE ADVISES THAT AS A LEGAL MATTER, THE PARIS AGREEMENT SHOULD BE REGARDED AS NO LONGER IN FORCE AND THAT THE USG NO LONGER HAS ANY OBLIGATIONS UNDER IT. OUR PUBLIC POSITION CONCERNING STATUS OF PARIS AGREEMENT IS NOW UNDER HIGH-LEVEL REVIEW. PENDING DECISION, COMMENTS SPECIFICALLY CONCERNING ARTICLE 21 SHOULD BE LIMITED TO PARAS 2 THROUGH 4 ABOVE.
END FYI. HOWEVER, YOU SHOULD GO ON TO SAY THAT OBVIOUSLY WE WOULD THEREFORE HAVE TO CONSIDER ANY PGNU REQUEST FOR ASSISTANCE ON ITS OWN MERITS AND IN THE CONTEXT OF THE STATE OF OUR OVERALL RELATIONS AT THE TIME. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ARMISTICE, MILITARY AGREEMENTS, POSTWAR PLANS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE175888
Document Source: CORE
Document Unique ID: 00
Drafter: EVERVILLE:DTM
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750259-0219
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750720/aaaaasdn.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 VIENTIANE 4898
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 16 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 MAY 2003 by ShawDG>; APPROVED <06 OCT 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ARTICLE 21 OF PARIS AGREEMENT ON VIETNAM
TAGS: PFOR, EAID, LA, US
To: VIENTIANE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006